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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,462	03/15/2004	Kevin A. Harvey	HAV-060-03	1224
49744	7590	10/04/2006	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE SUITE 800 OXNARD, CA 93036			HURLEY, SHAUN R	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/800,462		HARVEY ET AL.	
	Examiner		Art Unit	
	Shaun R. Hurley		3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-32 is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-20, 22, 23 and 33-42 is/are rejected.
- 7) ☒ Claim(s) 13, 14 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 12, 16, 18, 19, 22, 23, and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell (5598957).

Bell teaches a collapsible garment hanger (Figure 1) comprising a fixed arm (5), a hook element (3) attached to the fixed arm, a sliding arm (4) with a longitudinally oriented slot (20) with detents, stop point, and sloped upper edge (see figure), and a crosspiece guide bar (23) extending through the slot and attaching the sliding arm slidably to the fixed arm, wherein when the distal end of the fixed arm is tilted, gravity will cause the sliding arm to slide along the fixed arm. The arm could also be manually moved. In regards to forming an offset shape to fit through a garment neck, the hanger could inherently fit through such a neck if the size was large enough. In regards to the guide bar being releasably connected to the fixed arm, this is inherent. In regards to balancing holes, the areas where the sliding arm is inserted into the fixed arm could be considered a balancing hole, since there are two which provided balanced weight in the hanger structure. The sliding arm is disposed within the fixed arm.

3. Claims 1-9, 11, 12, 15, 16, 18-20, 22, 23, and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by McClenning (3874572).

McClenning teaches a collapsible garment hanger (Figure 1) comprising a fixed arm (24), a hook element (35) attached to the fixed arm, a sliding arm (18) with a longitudinally oriented slot (26) with detents and an enlarged end, stop point, and sloped upper edge (see figure), and a crosspiece guide bar (28) extending through the slot and attaching the sliding arm slidably to the fixed arm in a receiving hole, wherein when the distal end of the fixed arm is tilted, gravity will cause the sliding arm to slide along the fixed arm. The arm could also be manually moved. In regards to forming an offset shape to fit through a garment neck, the hanger could inherently fit through such a neck if the size was large enough. In regards to the guide bar being releasably connected to the fixed arm, this is inherent. In regards to balancing holes, the areas where the sliding arm is inserted into the fixed arm could be considered a balancing hole, since there are two which provided balanced weight in the hanger structure. The sliding arm is disposed within the fixed arm.

4. Claims 1-9, 11, 12, 16, 18-20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Massa et al (2679958).

Massa teaches a collapsible garment hanger (Figure 1) comprising a fixed arm (11), a hook element (12) attached to the fixed arm, a sliding arm (14) with a longitudinally oriented slot (17) with detents, stop point, and sloped upper edge (see figure), and a crosspiece guide bar (21) extending through the slot and attaching the sliding arm slidably to the fixed arm in a receiving hole, wherein when the distal end of the fixed arm is tilted, gravity will cause the sliding arm to slide along the fixed arm. The arm could also be manually moved. In regards to forming an offset shape to fit through a garment neck, the hanger could inherently fit through such a neck if the size was large enough. In regards to the guide bar being releasably connected to the fixed

arm, this is inherent. In regards to balancing holes, the areas where the sliding arm is inserted into the fixed arm could be considered a balancing hole, since there are two which provided balanced weight in the hanger structure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 15, 17, and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (5598957).

Bell essentially teaches the invention as detailed above, but fails to specifically discuss grasping point on the hook element, which is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize grasping points, so as to give the user something to hold as he extended the sliding arm. In regards to Applicant's myriad of stopping points, all of which are well known in the art, as are other varieties, as ways to abut and stop a sliding piece from further movement, and all of which would have been well known and understood by the ordinarily skilled artisan at the time the invention was made.

7. Claims 10, 17, and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClenning (3874572)

McClenning essentially teaches the invention as detailed above, but fails to specifically discuss grasping point on the hook element, which is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize grasping

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points, so as to give the user something to hold as he extended the sliding arm. In regards to Applicant's myriad of stopping points, all of which are well known in the art, as are other varieties, as ways to abut and stop a sliding piece from further movement, and all of which would have been well known and understood by the ordinarily skilled artisan at the time the invention was made.

8. Claims 10, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massa et al (2679958)

Massa essentially teaches the invention as detailed above, but fails to specifically discuss grasping point on the hook element, which is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize grasping points, so as to give the user something to hold as he extended the sliding arm.

Allowable Subject Matter

9. Claims 13, 14, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 24-32 are allowed.

Response to Arguments

11. Applicant's arguments filed 18 September 2006 have been fully considered but they are not persuasive.

Applicant's main argument is that the prior art of record fails to teach "a single sliding arm". Examiner's response is very simple; nowhere in Applicant's claims are the words "a single sliding arm" used. The claims as written claim "a sliding arm", and as such each and every

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piece of prior art cited in a rejection teaches “a sliding arm”. In response to Applicant’s argument that they teach multiple sliding arms, Examiner reminds Applicant that his claim says “comprises”, and as such is open ended to the use of multiple sliding arms. As such, the prior art of record most certainly teaches the invention as currently claimed, and as such, Examiner maintains his rejections as previously made.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R. Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shaun R Hurley
Examiner
Art Unit 3765

SRH

26 September 2006